

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GUSTAVIA HOME, LLC,

Civil Action No.: 16-4029 (SJ)(RML)

Plaintiff,

-against-

JEAN MARC BIJOUX; JUNE FREEMAN BIJOUX  
a/k/a JUNE FREEMAN a/k/a JUNE BIJOUX  
FREEMAN; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., AS NOMINEE  
FOR CAPITAL ONE HOME LOANS, LLC; CITY  
OF NEW YORK ENVIRONMENTAL CONTROL  
BOARD; CITY OF NEW YORK DEPARTMENT  
OF TRANSPORTATION PARKING VIOLATIONS  
BUREAU and JOHN DOE "1" through "12",  
said persons or parties having or claimed to have a right,  
title or interest in the Mortgaged premises herein, their  
respective names are presently unknown to the Plaintiff,

Defendants.  
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**DECLARATION OF REGULARITY IN SUPPORT OF JUDGMENT  
OF FORECLOSURE AND SALE AND CAPTION AMENDMENT**

Randy J. Schaefer, hereby declares as follows:

1. I am associated The Margolin & Weinreb Law Group, LLP, attorneys for Plaintiff, Gustavia Home, LLC ("Gustavia") and I am fully familiar with all the pleadings and proceedings heretofore had herein.

2. This action is brought to foreclose a mortgage made by June Freeman and Jean-Marc Bijoux, set out as follows: Mortgage dated May 21, 2007, made by June Freeman and Jean-Marc Bijoux, as tenants in the entirety to Capital One Home Loans, LLC to secure the sum of \$76,450.00 and interest, recorded on June 15, 2007 in the City Register of the City of New York, County of Queens in CRFN 200700311294. Said lien covers premises known as 221-02

114<sup>th</sup> Avenue, Cambria Heights, New York 11411 (the “Property”). Also on May 21, 2007, June Freeman and Jean-Marc Bijoux executed and delivered to Capital One Home Loans, LLC a note in the amount of \$76,450.00. Duly executed true and correct copies of the Note and Mortgage are attached to the Complaint at Exhibits B and C.

3. The Verified Complaint in this action was filed in the Clerk’s Office of this Court on July 20, 2016. Copies of the Summonses and Complaint (without exhibits) are attached hereto as **Exhibit A**.

4. Since filing the Complaint, it has not been amended to embrace real property other than that described in the original Complaint, or so to extend Plaintiff’s claim against the Property.

5. Your Affirmant reaffirms and restates each and every statement set forth in the Affirmation of Entry of Default in support of Plaintiff’s Request for Entry of Default, dated January 3, 2017 [See Docket No. 15] heretofore filed including the statement that the individual defendants June Free Bijoux and Jean Marc Bijoux are not servicing in the military service. A copy of the Affidavits of Service attesting to the fact that these individual defendants are not in active military service is attached hereto as **Exhibit B**. [See also Docket Nos 12 and 13].

6. In support of Plaintiff’s Motion for a Default Judgment of Foreclosure and Sale, Plaintiff submits to this Court the Affidavit of Jared Dotoli setting forth Plaintiff’s Statement of Damages (the “Dotoli Affidavit”).

7. As set forth in the Dotoli Affidavit, sworn to on the 23<sup>rd</sup> day of January, 2017, there is due and owing to Plaintiff the principal sum of \$73,290.11 plus accrued interest, as of January 19, 2017 of \$49,647.02 as indicated in the Statement of Amount Due and Owing (“Statement”) annexed thereto, plus costs totaling \$2,273.00 for a total amount owed of

\$125,210.73. A copy of the Dotoli is attached hereto as **Exhibit C** and the Bill of Costs attached hereto and marked as **Exhibit D**.

8. As evidenced by the Affidavits of Service heretofore filed, each defendant was served with a copy of the Summons and Complaint, and none has answered, moved, or appeared with respect thereto although the time for them to do so has expired and the time to answer or appear has not been extended by court order or otherwise. A copy of the Clerk's Certificate of Default is attached hereto as **Exhibit E**.

9. There are no tenants residing at the Property and therefore, none were served with the Summons and Complaint. Therefore, "John Doe 1 through John Doe 12" are not necessary party defendants to this action and a request is hereby made to dismiss these defendants from this action and excise their names from the caption without prejudice to the proceedings had herein.

10. Accordingly, Plaintiff respectfully requests that the caption of this action be amended to read as follows:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GUSTAVIA HOME, LLC,

Civil Action No.: 16-4029 (SJ)(RML)

Plaintiff,

-against-

JEAN MARC BIJOUX; JUNE FREEMAN BIJOUX  
a/k/a JUNE FREEMAN a/k/a JUNE BIJOUX  
FREEMAN; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., AS NOMINEE  
FOR CAPITAL ONE HOME LOANS, LLC; CITY  
OF NEW YORK ENVIRONMENTAL CONTROL  
BOARD; and CITY OF NEW YORK DEPARTMENT  
OF TRANSPORTATION PARKING VIOLATIONS  
BUREAU

Defendants.

-----X

11. No defendant herein is an infant, an incompetent or an absentee, and according to the affidavit of service, Barbara Lawrence is not in the military service as defined by law.

12. The Property consists of one parcel of land under one tax lot located in the County of Nassau, State of New York.

13. The proceedings herein have been regular and in accordance with the rules and practice of this Court.

14. No previous application has been made for the relief now sought.

**WHEREFORE**, it is respectfully requested that the Court appoint a Referee to sell the Property and that this Court ascertain and compute the amount due to Plaintiff for principal and interest, upon the Note and Mortgage mentioned in the Complaint herein; that Plaintiff have judgment for the relief demanded in the Complaint herein; amend the caption; and that Plaintiff have such other and further relief as the Court may deem just and proper. A copy of the proposed Judgment of Foreclosure and Sale is attached as **Exhibit F**.

I HEREBY declare under penalty of perjury that the above statements are true and correct to be best of my knowledge, information and belief.

Dated: Syosset, New York  
January 24, 2017

**THE MARGOLIN & WEINREB LAW GROUP, LLP**

By: /s/ Randy J. Schaefer  
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